

**SEVENTY-SECOND LEGISLATIVE DAY  
TUESDAY, MARCH 22, 2005**

House of Representatives

The House convened at 10 a.m., Mr. Denney in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Representative Wills.

The Pledge of Allegiance was led by Hannah Alexander, Page.

**Approval of Journal**

March 22, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-first Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

OFFICE OF THE GOVERNOR  
Boise

March 21, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 16, H 89, H 90, H 95, H 96, H 102, H 111, H 112, H 114, H 115, H 116, H 117, H 118, H 119, H 120, H 128, H 136, H 141, H 144, H 155, H 181, H 190, and H 235**

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

March 21, 2005

Mr. Speaker:

I transmit herewith enrolled **S 1011, S 1076**, as amended, **S 1127, S 1131, S 1182, S 1184, S 1187**, and **SJM 107** for the signature of the Speaker.

WOOD, Secretary

The Speaker Pro Tem announced that enrolled **S 1011, S 1076**, as amended, **S 1127, S 1131, S 1182, S 1184, S 1187**,

and **SJM 107** would be signed by the Speaker, and when so signed, ordered them returned to the Senate.

March 21, 2005

Mr. Speaker:

I return herewith enrolled **H 152, H 153**, and **H 154** which have been signed by the President.

WOOD, Secretary

Enrolled **H 152, H 153**, and **H 154** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 21, 2005

Mr. Speaker:

I transmit herewith **S 1209, S 1189**, and **S 1196** which have passed the Senate.

WOOD, Secretary

**S 1209, S 1189**, and **S 1196** were filed for first reading.

March 21, 2005

Mr. Speaker:

I return herewith **HCR 17, HJM 4, H 316, H 191, H 192, H 204, H 205, H 206, H 245, H 165, H 94**, as amended, **H 157, H 67, H 132, H 133, H 229, H 18, H 231, H 185**, as amended, **H 182, H 178, H 40, H 99, H 264, H 214**, as amended, and **H 224** which have passed the Senate.

WOOD, Secretary

**HCR 17, HJM 4, H 316, H 191, H 192, H 204, H 205, H 206, H 245, H 165, H 94**, as amended, **H 157, H 67, H 132, H 133, H 229, H 18, H 231, H 185**, as amended, **H 182, H 178, H 40, H 99, H 264, H 214**, as amended, and **H 224** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 21, 2005

Mr. Speaker:

I return herewith **H 140**, as amended in the Senate, and **H 200**, as amended in the Senate, which have passed the Senate.

WOOD, Secretary

**H 140**, as amended in the Senate, and **H 200**, as amended in the Senate, were ordered held at the Desk.

Mr. Black asked unanimous consent that the House not concur in the Senate amendments to **H 140**, as amended in the Senate. There being no objection, it was so ordered.

Mr. Deal asked unanimous consent that the House not concur in the Senate amendments to **H 200**, as amended in the Senate. There being no objection, it was so ordered.

**H 140**, as amended in the Senate, and **H 200**, as amended in the Senate, were filed in the Office of the Chief Clerk.

**Report of Standing Committees**

March 22, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 24**, **HCR 25**, **HP 4**, **H 363**, **H 364**, **H 365**, **H 366**, and **H 367**.

FIELD(18), Chairman

**H 363** was referred to the Health and Welfare Committee.

**HCR 25** was referred to the Resources and Conservation Committee.

**H 366** was referred to the Agricultural Affairs Committee.

**H 367** was referred to the Revenue and Taxation Committee.

**HCR 24**, **HP 4**, **H 364**, and **H 365** were filed for second reading.

March 22, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 297**, **H 64**, **H 302**, and **H 309**.

FIELD(18), Chairman

The Speaker Pro Tem announced that enrolled **H 297**, **H 64**, **H 302**, and **H 309** would be signed by the Speaker, and when so signed, ordered them transmitted to the Senate for the signature of the President.

March 22, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 294**, **H 33**, **H 56**, **H 183**, **H 184**, **H 187**, **H 75**, **H 163**, **H 50**, as amended in the Senate, and **H 122**, as amended in the Senate, to the Governor at 11:15 a.m., as of this date, March 21, 2005.

FIELD(18), Chairman

March 16, 2005

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 308** and report it back with amendments attached to be placed on General Orders for consideration.

CROW, Chairman

**H 308** was placed on General Orders for consideration.

March 21, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1165** and recommend that it do pass.

FIELD(18), Chairman

**S 1165** was filed for second reading.

March 21, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1164**, as amended, and report it back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

**S 1164**, as amended, was placed on General Orders for consideration.

March 22, 2005

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 298** and report it back with amendments attached to be placed on General Orders for consideration.

CROW, Chairman

**H 298** was placed on General Orders for consideration.

March 22, 2005

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **S 1174** and recommend that it do pass.

DEAL, Chairman

**S 1174** was filed for second reading.

There being no objection, the House advanced to the Twelfth Order of Business.

### Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker Pro Tem returned to the Chair and the House was in order.

### Report of the Committee of the Whole House

March 22, 2005

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 336**, **S 1062**, as amended, and **H 308** and report them back without recommendation, amended as follows:

### HOUSE AMENDMENT TO H 336

#### AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 32, following "lands," insert: "the department of water resources"; and on page 2, following line 32 insert:

"(5) No provision of this section shall be interpreted as to supersede, abrogate, injure or create rights to divert or store water and apply water to beneficial uses established under section 3, article XV of the constitution of the state of Idaho, and title 42, Idaho Code."

#### CORRECTIONS TO TITLE

On page 1, in line 3, delete "OFFICE AND" and insert: "OFFICE,"; and in line 4, delete "PLANS;" and insert: "PLANS AND TO CLARIFY THE RELATIONSHIP BETWEEN SPECIFIED PROVISIONS AND CERTAIN WATER RIGHTS;".

#### HOUSE AMENDMENT TO S 1062, as amended

##### AMENDMENT TO SECTION 1

On page 1 of the engrossed bill, delete lines 10 through 18, and insert:

"18-923. ATTEMPTED STRANGULATION. (1) Any person who willfully and unlawfully chokes or attempts to strangle a household member, or a person with whom he or she has or had a dating relationship, is guilty of a felony punishable by incarceration for up to fifteen (15) years in the state prison.

(2) No injuries are required to prove attempted strangulation.

(3) The prosecution is not required to show that the defendant intended to kill or injure the victim. The only intent required is the intent to choke or attempt to strangle.

(4) "Household member" assumes the same definition as set forth in section 18-918(1)(a), Idaho Code.

(5) "Dating relationship" assumes the same definition as set forth in section 39-6303(2), Idaho Code."

#### CORRECTION TO TITLE

On page 1, in line 5, delete "A TERM" and insert: "TERMS".

#### HOUSE AMENDMENT TO H 308

##### AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 17, delete "goods or"; in line 18, delete "services" and insert: "items"; in line 19, delete "goods or services" and insert: "items"; and in line 20, delete "goods or services" and insert: "items".

We have also had under consideration **S 1164**, as amended, and **H 298**, report progress and beg leave to sit again.

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Ms. Jaquet.

Whereupon the Speaker Pro Tem declared the report adopted.

**H 336** and **H 308** were referred to the Judiciary, Rules, and Administration Committee for engrossing.

**S 1062**, as amended, as amended in the House, was filed for first reading.

**S 1164**, as amended, and **H 298** were retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eighth Order of Business.

#### Introduction, First Reading, and Reference of Bills and Joint Resolutions

##### HOUSE BILL NO. 368

##### BY REVENUE AND TAXATION COMMITTEE

##### AN ACT

RELATING TO THE OCCUPANCY TAX; AMENDING SECTION 63-317, IDAHO CODE, TO CLARIFY THAT AN APPRAISAL FOR OCCUPANCY TAX PURPOSES SHALL PROVIDE THE OWNER WITH THE FULL MARKET VALUE CONTAINED IN THE APPRAISAL BEFORE ANY EXEMPTIONS OR PRORATIONS AND TO CLARIFY THAT THE TIME FOR AN APPEAL DOES NOT COMMENCE UNTIL THE COUNTY ASSESSOR PROVIDES THE OWNER WITH THE FULL MARKET VALUE; AND DECLARING AN EMERGENCY.

##### HOUSE BILL NO. 369

##### BY REVENUE AND TAXATION COMMITTEE

##### AN ACT

RELATING TO SALES AND USE TAXATION; AMENDING SECTION 63-3622D, IDAHO CODE, TO DELETE REFERENCE TO THE SALES TAX EXEMPTION FOR HEATING MATERIALS AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 63-3622G, IDAHO CODE, RELATING TO AN EXEMPTION FOR SALES AND USE TAXATION FOR THE PURCHASE OF ANY MATTER USED TO PRODUCE HEAT BY BURNING; AND AMENDING SECTION 63-3622JJ, IDAHO CODE, TO DELETE REFERENCE TO THE SALES TAX EXEMPTION FOR HEATING MATERIALS.

##### HOUSE BILL NO. 370

##### BY REVENUE AND TAXATION COMMITTEE

##### AN ACT

RELATING TO ABATEMENT DISTRICTS; AMENDING SECTION 39-2801, IDAHO CODE, TO REFERENCE THE PUBLIC HEALTH AND WELFARE, TO PROVIDE THAT DISTRICTS NEED NOT BE CONTIGUOUS BUT THAT EACH NONCONTIGUOUS AREA MUST BE A CERTAIN SIZE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-2802, IDAHO CODE, TO PROVIDE THAT DISTRICTS NEED NOT BE CONTIGUOUS BUT THAT EACH NONCONTIGUOUS AREA MUST BE A CERTAIN SIZE, TO PROVIDE FOR ELECTIONS TO BE HELD AT THE NEXT REGULARLY SCHEDULED ELECTION DATE AND TO REMOVE LANGUAGE

PROVIDING THAT PETITIONERS SHALL BEAR THE EXPENSE OF HOLDING THE ELECTION; AMENDING SECTION 39-2804, IDAHO CODE, TO REFERENCE THE PUBLIC HEALTH AND WELFARE, TO PROVIDE FOR MOSQUITO OR OTHER VERMIN MANAGEMENT PLANS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-2806, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING CONTIGUOUS TERRITORIES, TO PROVIDE THAT NONCONTIGUOUS TERRITORIES ANNEXED TO EXISTING ABATEMENT DISTRICTS SHALL BE A CERTAIN SIZE AND TO REFERENCE REGULARLY SCHEDULED ELECTIONS; AMENDING SECTION 39-2807, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING CONTIGUOUS DISTRICTS; AMENDING SECTION 39-2809, IDAHO CODE, TO REVISE THE SHORT TITLE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 28, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2812, IDAHO CODE, TO SET FORTH EMERGENCY AND INTERIM PEST MANAGEMENT PROVISIONS; AMENDING CHAPTER 28, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2813, IDAHO CODE, TO PROVIDE FOR THE OPERATION OF ABATEMENT DISTRICTS BY COUNTIES; AMENDING CHAPTER 28, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2814, IDAHO CODE, TO PROVIDE FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

**H 368**, **H 369**, and **H 370** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1189**, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

**S 1196**, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

**S 1209**, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

### Second Reading of Bills and Joint Resolutions

**H 361** and **H 362**, by Appropriations Committee, were read the second time by title and filed for third reading.

**H 351**, by Ways and Means Committee, was read the second time by title and filed for third reading.

**S 1074**, as amended, and **S 1179**, as amended in the House, by State Affairs Committee, were read the second time by title and filed for third reading.

**S 1200**, **S 1202**, **S 1203**, **S 1204**, **S 1205**, **S 1206**, **S 1207**,

and **S 1208**, by Finance Committee, were read the second time by title and filed for third reading.

### Third Reading of Bills and Joint Resolutions

**H 353** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Harwood to open debate.

Mr. Mitchell asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 353**. There being no objection, it was so ordered.

The question being, "Shall **H 353** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Henbest, Jones, Moyle, Smith(24). Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 353** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**S 1193** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall **S 1193** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson(Barker), Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Clark. Total -- 1.

Total -- 70.

Whereupon the Speaker Pro Tem declared **S 1193** passed the House. Title was approved and the bill was ordered returned to the Senate.

**H 332** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Smylie and Mr. Deal to open debate.

Mr. Smylie asked unanimous consent that, pursuant to Rule 22, discussion of **H 255** and **H 256** be allowed in debate of **H 332**. There being no objection, it was so ordered.

The question being, "Shall **H 332** pass?"

Roll call resulted as follows:

AYES -- Andrus, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Bradford, Crow, Deal, Ellsworth, Field(18), Field(23), Garrett, Hart, Henderson, Jones, McKague, Miller, Moyle, Raybould, Ring, Rydalch, Schaefer, Shirley, Skippen, Smylie, Stevenson, Trail, Mr. Speaker. Total -- 33.

NAYS -- Anderson, Barraclough, Boe, Cannon, Chadderdon, Clark, Collins, Denney, Edmunson(Barker), Eskridge, Harwood, Henbest, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Ringo, Rusche, Sali, Sayler, Shepherd(2), Shepherd(8), Smith(30), Smith(24), Snodgrass, Wills, Wood. Total -- 36.

Absent and excused -- Roberts. Total -- 1.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 332** failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

**H 306**, as amended, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Speaker and Mrs. Crow to open debate.

Mr. Speaker asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 306**, as amended, as amended. There being no objection, it was so ordered.

The question being, "Shall **H 306**, as amended, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson(Barker), Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood,

Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 61.

NAYS -- Barrett, Clark, Hart, Lake, Loertscher, McGeachin, Roberts, Shepherd(8), Smith(24). Total -- 9.

Paired Vote:

AYE -- Eskridge NAY -- Barrett

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 306**, as amended, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 323**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Moyle to open debate.

Mr. Moyle asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 323**, as amended. There being no objection, it was so ordered.

The question being, "Shall **H 323**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- Roberts, Shepherd(8). Total -- 2.

Absent and excused -- Barrett. Total -- 1.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 323**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that the House recess until 2 p.m. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House at recess until 2 p.m.

RECESS

Afternoon Session

The House reconvened at 2 p.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused -- Black. Total -- 1.  
Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

### **Third Reading of Bills and Joint Resolutions**

There being no objection, the House returned to the Eighth Order of Business.

### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 371 BY WAYS AND MEANS COMMITTEE AN ACT**

RELATING TO POWERS OF THE PARK AND RECREATION BOARD; AMENDING SECTION 67-4223, IDAHO CODE, TO PROHIBIT THE BOARD FROM CHARGING A SEPARATE MOTORIZED VEHICLE ENTRY FEE WHEN A CAMPSITE FEE HAS BEEN PAID FOR USE OF THAT PARK DURING THE SAME TIME PERIOD.

#### **HOUSE BILL NO. 372 BY WAYS AND MEANS COMMITTEE AN ACT**

RELATING TO GROUND WATER DISTRICTS; AMENDING SECTION 42-5201, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 42-5207, IDAHO CODE, TO PROVIDE FOR THE INCLUSION OR EXCLUSION OF LANDS OF CERTAIN GROUND WATER USERS IN GROUND WATER DISTRICTS; AMENDING SECTION 42-5210, IDAHO CODE, TO REVISE GROUND WATER DISTRICT VOTER QUALIFICATION PROVISIONS FOR GROUND WATER USERS, TO PROVIDE FOR VOTES OF CITY GOVERNMENTS AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 42-5212, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 42-5214, IDAHO CODE, TO REVISE PROVISIONS RELATING TO GROUND WATER USERS TO BE CONSIDERED MEMBERS OF GROUND WATER DISTRICTS AND SUBJECT TO CERTAIN ASSESSMENTS, TO PROVIDE AN EFFECTIVE DATE OF MEMBERSHIP FOR CERTAIN USERS, TO PROVIDE THAT CERTAIN PERSONS WHO BECOME ENTITLED TO APPROPRIATE OR WHO APPROPRIATE GROUND WATER AFTER THE FORMATION OF A GROUND WATER DISTRICT SHALL BE DEEMED INCLUDED IN THE DISTRICT AND SUBJECT TO ASSESSMENTS AS OF A PARTICULAR DATE AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 42-5219, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 42-5220, IDAHO CODE, TO

REDESIGNATE THE SECTION; AMENDING SECTION 42-5222, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING CHAPTER 52, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-5219, IDAHO CODE, TO PROVIDE FOR DIRECTORS AT LARGE; AMENDING SECTION 42-5224, IDAHO CODE, TO AUTHORIZE GROUND WATER DISTRICT BOARDS OF DIRECTORS TO INCUR SPECIFIED INDEBTEDNESS ON BEHALF OF THE DISTRICT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 42-5232, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE LEVY OF ASSESSMENTS; AMENDING SECTION 42-5233, IDAHO CODE, TO PROVIDE THAT THE TERM FOR INDEBTEDNESS RELATING TO THE FUNDING OF MITIGATION PLANS SHALL NOT EXCEED THIRTY YEARS; AMENDING SECTION 42-5242, IDAHO CODE, TO PROVIDE THAT DELINQUENT ASSESSMENT LISTS SHALL BE DULY ACKNOWLEDGED BY GROUND WATER DISTRICT TREASURERS AND TO PROVIDE REQUIREMENTS FOR THE TREASURER RELATING TO PAYMENTS IN FULL OF DELINQUENT ASSESSMENTS AND PENALTIES; AMENDING SECTION 42-5244, IDAHO CODE, TO PROHIBIT THE PARTICIPATION IN MITIGATION PLANS FOR NONPAYMENT OF CERTAIN MITIGATION COSTS WHEN DUE UNTIL PAID IN FULL, TO REQUIRE GROUND WATER DISTRICTS TO PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES WITH A REPORT OF PAST DUE MITIGATION COSTS, TO AUTHORIZE THE DIRECTOR TO REQUIRE GROUND WATER DISTRICTS TO PROVIDE CERTAIN ACCOUNTINGS AND TO REQUIRE GROUND WATER DISTRICTS TO INFORM THE DIRECTOR IMMEDIATELY UPON PAYMENT OF PAST DUE MITIGATION COSTS; AMENDING SECTION 42-5245, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ANNEXATION OF THE LANDS AND/OR FACILITIES OF CERTAIN USERS OF GROUND WATER INTO GROUND WATER DISTRICTS; AMENDING SECTION 42-5248, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ASSESSMENTS AGAINST ANNEXED LANDS; AMENDING SECTION 42-5251, IDAHO CODE, TO PROVIDE FOR ACTION ON PETITIONS FOR EXCLUSION OF LANDS FROM GROUND WATER DISTRICTS BY DISTRICT BOARDS, TO PROVIDE REQUIREMENTS FOR PETITIONS FOR EXCLUSION OF LANDS AND TO PROVIDE REQUIREMENTS RELATING TO ACTIONS ON PETITIONS FOR EXCLUSION OF LANDS BY DISTRICT BOARDS; AMENDING SECTION 42-5252, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO CONTENTS OF PETITIONS FOR EXCLUSION OF LANDS AND/OR FACILITIES FROM GROUND WATER DISTRICTS; AMENDING SECTION 42-5253, IDAHO CODE, TO REVISE PROVISIONS AND REQUIREMENTS RELATING TO ORDERS OF EXCLUSION OF LANDS FROM GROUND WATER DISTRICTS; AMENDING SECTION 42-5256, IDAHO CODE, TO PROVIDE FOR FILING OF ANY DECISIONS OR ORDERS IN THE OFFICE OF SPECIFIED COUNTY RECORDERS; AMENDING SECTION 42-5257, IDAHO CODE, TO PROVIDE THAT LAND AND/OR

FACILITIES FULLY EXCLUDED FROM GROUND WATER DISTRICTS SHALL BE SUBJECT TO CERTAIN ASSESSMENTS AND OBLIGATIONS; AMENDING SECTION 42-5259, IDAHO CODE, TO DELETE A REFERENCE TO IRRIGATORS; REPEALING SECTION 42-5276, IDAHO CODE; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 373**  
**BY WAYS AND MEANS COMMITTEE**  
AN ACT

RELATING TO WATER; TO PROVIDE LEGISLATIVE FINDINGS; TO AUTHORIZE THE IDAHO WATER RESOURCES BOARD TO TAKE SPECIFIED ACTION TO PLAN, FINANCE, ACQUIRE, ESTABLISH, OPERATE AND MAINTAIN A PROGRAM OR PROJECTS TO ENHANCE WATER SUPPLIES AND REDUCE DEMAND FOR WATER AND TO PROVIDE THAT SPECIFIED ACTIONS ARE DECLARED TO BE IN THE PUBLIC INTEREST; AMENDING SECTION 42-1740, IDAHO CODE, TO PROVIDE THAT PARTICULAR REVENUE BONDS MAY BE ISSUED AND SOLD FOR THE ACQUISITION OF WATER RIGHTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 42-1753, IDAHO CODE, TO PROVIDE THAT REVENUES RECEIVED FROM ASSESSMENTS, LEASES OR FEES PAID BY WATER USERS SHALL BE PLACED IN THE REVOLVING DEVELOPMENT FUND; AMENDING SECTION 42-1754, IDAHO CODE, TO PROVIDE THAT THE IDAHO WATER RESOURCE BOARD REVOLVING DEVELOPMENT FUND SHALL BE ALLOCATED TO THE BOARD FOR PAYMENT OF COSTS ASSOCIATED WITH THE ISSUANCE AND REPAYMENT OF THE BOARD'S REVENUE BONDS AND TO MAKE A TECHNICAL CORRECTION; TO PROVIDE FOR BROAD CONSTRUCTION; TO PROVIDE FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 374**  
**BY WAYS AND MEANS COMMITTEE**  
AN ACT

RELATING TO WATER; AMENDING CHAPTER 6, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-620, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL CREATE OR MODIFY CERTAIN WATER DISTRICTS, TO PROVIDE THAT BEGINNING IN THE YEAR 2006 SPECIFIED COSTS SHALL BE INCLUDED AS AN EXPENSE OF DELIVERING WATER IN WATER DISTRICT BUDGETS, TO PROVIDE FOR THE APPORTIONMENT OF SUCH EXPENSES BETWEEN WATER DISTRICTS, TO PROVIDE THAT AT ANNUAL MEETINGS CERTAIN WATER DISTRICTS SHALL SELECT A SPECIFIED NUMBER OF WATER USERS TO SERVE ON AN ADVISORY COMMITTEE AND TO PROVIDE A MAXIMUM AMOUNT FOR CERTAIN DEPARTMENT COSTS TO BE INCLUDED AS EXPENSES OF DELIVERING WATER.

**H 371, H 372, H 373, and H 374** were introduced, read the

first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House returned to the Seventh Order of Business.

**Motions, Memorials, and Resolutions**

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 361** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 361** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydaldh, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Bedke, Black, Bradford, Roberts, Smylie. Total -- 5.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 361** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **H 361** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydaldh, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Snodgrass, Stevenson,

Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Black, Bradford, Roberts, Smylie.

Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 361** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 362** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 362** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Bedke, Black, Bradford, Roberts, Smylie. Total -- 5.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 362** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **H 362** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts,

Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Black, Bradford, Smylie. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 362** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 351** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 351** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bell, Bilbao, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Bedke, Black, Bradford, Roberts, Smylie. Total -- 5.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 351** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Sali to open debate.

Mr. Sali asked unanimous consent, pursuant to Rule 46, that **H 351** be corrected as follows:

Page 8, line 45 delete "or" and insert "of".

The question being, "Shall **H 351**, as corrected, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney,



Edmunson(Barker), Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Lake, Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Nonini, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd(8), Shirley, Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 50.

NAYS -- Boe, Henbest, Jaquet, Jones, Kemp, LeFavour, Martinez, Miller, Mitchell, Pasley-Stuart, Pence, Ringo, Rusche, Saylor, Shepherd(2), Skippen, Smith(30), Trail. Total -- 18.

Absent and excused -- Black, Smith(24). Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 351**, as corrected, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

#### **HOUSE CONCURRENT RESOLUTION NO. 26**

##### **BY WAYS AND MEANS COMMITTEE**

##### **A CONCURRENT RESOLUTION**

**RECOGNIZING THE ACCOMPLISHMENTS OF THE CIVILIAN CONSERVATION CORPS IN THE STATE OF IDAHO AND DESIGNATING MARCH 31 OF EACH YEAR AS CCC RECOGNITION DAY.**

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, on March 31, 1933, President Franklin D. Roosevelt signed into law the authorization to form a Civilian Conservation Corps (CCC) to help alleviate the horrific unemployment problems of the Great Depression, and this year marks the 72nd anniversary of the CCC; and

WHEREAS, there were one hundred fifty-one camps located in the state of Idaho, thirty-three in national forests, five in state forests, one in a private forest, five dedicated to soil conservation service, and one in a state park; and

WHEREAS, approximately 28,000 men from Idaho were enrollees in CCC camps; and

WHEREAS, lasting impact on the infrastructure of the state of Idaho includes fire lookouts, large diversion dams, over 3,000 miles of telephone lines, planting over 28,000,000 trees, 484,149 man-days fighting forest fires, 641,464 acres protected from tree and plant disease, and insect pest control and rodent and predatory animal control provided on over 4 million acres; and

WHEREAS, in addition to the impact of projects throughout the state and nation, it is difficult to calculate the impact on the enrollees who were given the opportunity to work hard, eat hearty and gain weight, while learning job skills and work ethic which would sustain them individually and the nation as a whole through the next generation and beyond; and

WHEREAS, at least 40,000 illiterates were taught to read and write during their CCC experience; and

WHEREAS, many left the CCC to become soldiers in World War II, many settled in the states where they had been encamped, and many returned to their homes with new skills and varied interests; and

WHEREAS, it is appropriate that the state of Idaho join with other states to recognize the Civilian Conservation Corps.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature,

the House of Representatives and the Senate concurring therein, that the Legislature hereby honors and acknowledges the contributions of the Civilian Conservation Corps to the state of Idaho. In recognition of these contributions, the Legislature hereby designates March 31 of each year as CCC Recognition Day.

**HCR 26** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

#### **Adjournment**

Mr. Moyle moved that the House adjourn until 10 a.m., Wednesday, March 23, 2005. Seconded by Mr. Saylor. Motion carried.

Whereupon the Speaker declared the House adjourned at 3:19 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk